

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Cooper	Team: Squad #7	CCRB Case #: 201703824	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/07/2017 7:15 AM	Location of Incident: [REDACTED]	Precinct: 123	18 Mo. SOL 10/7/2018	EO SOL 10/7/2018	
Date/Time CV Reported Sat, 05/13/2017 12:52 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 05/13/2017 12:52 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Nikolaos Stefopoulos	04686	944294	123 PCT
2. SGT Salvatore Assante	00170	915049	123 PCT
3. POM Gabriel Cuadros	20548	958453	123 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Christine Ceccarelli	12340	951560	123 PCT
2. POF Crystal Vale	25822	952310	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Salvatore Assante	Abuse: Sergeant Salvatore Assante entered § 87(2)(b) [REDACTED] in Staten Island.	[REDACTED]
B.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos entered § 87(2)(b) [REDACTED] in Staten Island.	[REDACTED]
C.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos refused to show the bench warrant to § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Gabriel Cuadros	Abuse: Police Officer Gabriel Cuadros searched § 87(2)(b) [REDACTED] in Staten Island.	[REDACTED]
E.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos searched § 87(2)(b) [REDACTED] purse.	[REDACTED]

Case Summary

On May 13, 2017, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On April 7, 2017, at 7:15 a.m., Sgt. Salvatore Assante, Sgt. Nikolaos Stefopoulos, PO Christine Ceccarelli and PO Gabriel Cuadros from the 123rd Precinct arrived at § 87(2)(b), in Staten Island in regards to an active Bench Warrant for § 87(2)(b) who does not live at the location. After speaking to the homeowner, known to the investigation as § 87(2)(b) Sgt. Stefopoulos, Sgt. Assante, PO Ceccarelli and PO Cuadros entered § 87(2)(b) basement apartment (**Allegations A and B**). After § 87(2)(b) asked Sgt. Stefopoulos to see the warrant, he allegedly did not show it to her (**Allegation C**). While inside the apartment, PO Cuadros allegedly looked through § 87(2)(b) mail and Sgt. Stefopoulos allegedly looked through § 87(2)(b) § 87(2)(b) purse (**Allegations D and E**). § 87(2)(b) was arrested for § 87(2)(b) § 87(2)(b). After being lodged at the 123rd Precinct stationhouse, § 87(2)(b) was released with a § 87(2)(b) Desk Appearance Ticket (DAT).

There was no video evidence for this case.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined mediation.
- As of May 24, 2017, § 87(2)(b) has not filed a Notice of Claim with the New York City Comptroller's Office (Board Review 19).
- According to the Office of Court Administration (OCA) records, § 87(2)(b) has no past criminal conviction history (Board Review 17).

Civilian and Officer Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 18).
- Sgt. Assante has been a member of service for 22 years and has been the subject of one other allegation which was unsubstantiated § 87(2)(g).
- Sgt. Stefopoulos has been a member of service for ten years and has been the subject of 53 allegations stemming from 14 cases.
 - In CCRB case number 201409178, the Board substantiated a force, a threat of force and discourtesy allegations. During the Administrative Prosecution Unit's trial, Sgt. Stefopoulos was found not guilty in regards to the allegations above.
 - In CCRB case number 201411079, the Board substantiated frisk and search of person allegations. The Board recommended command discipline and the NYPD instituted formalized training.
 - In CCRB case number 201608641, the Board substantiated a stop allegation and recommended command discipline. § 87(2)(g)
- PO Cuadros has been a member of service for two years and this is the first CCRB complaint against him.

Findings and Recommendations
Explanation of Subject Officer Identification

- Based on Sgt. Assante's statement, the investigation determined that Sgt. Assante, the 123rd Precinct's Field Intelligence Officer (FIO), conducted the investigative steps that led to the officers' arrival at § 87(2)(b) apartment.
- Sgt. Stefopoulos acknowledged that after Sgt. Assante conducted the investigative steps, he was in charge of executing the warrants that Sgt. Assante had confirmed were active.
- Sgt. Assante and Sgt. Stefopoulos were the highest ranking officers at the location and were admittedly the officers who dealt exclusively with the background investigation that led to the entry into § 87(2)(b) apartment and the actual execution of the warrant at § 87(2)(b) address. Therefore **Allegations A and B** have been pled against them.
- Sgt. Assante and Sgt. Stefopoulos acknowledged they only possessed a copy of the warrant for § 87(2)(b) address. Sgt. Stefopoulos and PO Ceccarelli stated that PO Ceccarelli was given Sgt. Stefopoulos' copy of the warrant, but no other officer had a copy of the warrant. § 87(2)(b) admittedly asked Sgt. Stefopoulos, but not Sgt. Assante, for the warrant. Therefore, **Allegation C** is only being pled against Sgt. Stefopoulos.
- § 87(2)(b) described the officer who searched her mail as a uniformed Italian or Hispanic male, approximately 5'6" to 5'7" with dark hair but provided no additional pedigree information.
- Sgt. Assante, Sgt. Stefopoulos, PO Ceccarelli, and PO Cuadros were all interviewed, and with exception of PO Cuadros, they all acknowledged that only four officers entered the apartment. PO Cuadros stated other officers responded to the location, but he did not recall if additional officers entered the apartment besides himself, Sgt. Assante, Sgt. Stefopoulos and PO Ceccarelli.
- Although each officer denied that an officer searched § 87(2)(b) mail, Sgt. Assante, Sgt. Stefopoulos and PO Ceccarelli were consistent that PO Cuadros was the only officer on the conditions team who was present at the location and who closely matched the description § 87(2)(b) provided.
- Although PO Cuadros denied searching § 87(2)(b) mail, because he was present and was the only officer who entered that closely matched the description § 87(2)(b) provided, **Allegation D** is being pled against him.

Allegation A- Abuse of Authority— Sergeant Salvatore Assante entered
§ 87(2)(b) **in Staten Island.**

Allegation B- Abuse of Authority – Sergeant Nikolaos Stefopoulos entered
§ 87(2)(b) **in Staten Island.**

Allegation C- Abuse of Authority – Sergeant Nikolaos Stefopoulos refused to show the bench warrant to § 87(2)(b)

It is undisputed that the conditions team arrived at § 87(2)(b) apartment in possession of an active bench warrant for § 87(2)(b)

§ 87(2)(b) stated that while she was sleeping she heard a knock at her front door and she opened the door slightly. § 87(2)(b) stated that Sgt. Stefopoulos asked § 87(2)(b) if she knew anyone by the name of "§ 87(2)(b)" and explained that they had a warrant for him, but Sgt. Stefopoulos did not provide a last name for § 87(2)(b) or provide a picture of him. However, since Sgt. Stefopoulos was holding a piece of paper, § 87(2)(b) assumed he was holding a copy of the warrant. When § 87(2)(b) asked to see a copy of the warrant, Sgt. Stefopoulos told her, "We will get to that."

§ 87(2)(b) stated that she did not give verbal consent to enter her apartment, but after she opened the door slightly, Sgt. Stefopoulos pushed the door open even further and walked into the apartment followed by other officers. After being placed in handcuffs and escorted out of the apartment, § 87(2)(b) said to Sgt. Stefopoulos, “You said you had a warrant. I want to see that warrant.” Sgt. Stefopoulos did not respond to her and just placed her in the back of the prisoner van without showing her a copy of the warrant (Board Review 1).

§ 87(2)(b) the homeowner of § 87(2)(b), provided a phone statement to the CCRB. During her phone statement, § 87(2)(b) stated that she lives above § 87(2)(b) apartment and on the date of the incident she spoke an officer who showed her a copy of the warrant for § 87(2)(b). That officer asked § 87(2)(b) if § 87(2)(b) lived at the location. § 87(2)(b) told the officer that she did not know § 87(2)(b) but he could be § 87(2)(b) boyfriend. § 87(2)(b) acknowledged that she told the officer that he could speak to § 87(2)(b) and directed him to her apartment. § 87(2)(b) did not observe the entry and remained in the house until after § 87(2)(b) exited in handcuffs (Board Review 2).

Sgt. Assante stated that he gathered any active warrants that fell within the confines of 123rd Precinct. Sgt. Assante specifically recalled that the warrant for § 87(2)(b) was active and his address was listed on the warrant. Sgt. Assante did not recall if he conducted additional database searches to confirm § 87(2)(b) address and denied that he attempted to corroborate whether § 87(2)(b) was home at the time when the team was executing the warrant.

Sgt. Assante did not recall which officer spoke to § 87(2)(b) but he recalled that during their conversation, she was shown a copy of the warrant and it was explained to § 87(2)(b) that the officers were at the location looking for § 87(2)(b). § 87(2)(b) then told the officers to check § 87(2)(b) apartment. After § 87(2)(b) answered the door, Sgt. Assante showed her the warrant. When Sgt. Assante told § 87(2)(b) that they were looking for § 87(2)(b) she replied, “He is not here.” Sgt. Assante could not recall if § 87(2)(b) was ever asked specifically, “Can we come in?” However, § 87(2)(b) opened the door and motioned with one of her hands which Sgt. Assante took to be an invitation that the officers could come inside the apartment. Sgt. Assante did not recall if § 87(2)(b) stepped to the side of the door. Sgt. Assante acknowledged that § 87(2)(b) asked to see the warrant several times and he showed § 87(2)(b) the warrant at least twice before she was placed in handcuffs (Board Review 9 and 10).

Although Sgt. Stefopoulos did not recall which officers spoke to § 87(2)(b) he was present during the conversation, and after she was shown a copy of the warrant, § 87(2)(b) stated that § 87(2)(b) lived at § 87(2)(b) apartment. Sgt. Stefopoulos stated that after § 87(2)(b) had opened the door, he informed her he was looking for § 87(2)(b) and showed § 87(2)(b) a copy of the warrant. When Sgt. Stefopoulos asked § 87(2)(b) whether § 87(2)(b) was at the location, § 87(2)(b) took one step back as she looked “nervously” over her shoulder. Sgt. Stefopoulos asked § 87(2)(b) “Can I come inside?” § 87(2)(b) responded, “Sure.” § 87(2)(b) stepped to the side of the door, which Sgt. Stefopoulos interpreted as her allowing him to enter the premises. Sgt. Stefopoulos then entered the apartment. After § 87(2)(b) was handcuffed, she

requested to see the warrant again. Sgt. Stefopoulos then showed § 87(2)(b) the warrant a second time (Board Review 7 and 8).

PO Ceccarelli did not speak to § 87(2)(b) or hear the conversation between Sgt. Stefopoulos and § 87(2)(b). PO Ceccarelli, Sgt. Stefopoulos, Sgt. Assante and PO Cuadros went to § 87(2)(b) apartment. After § 87(2)(b) opened the door, Sgt. Stefopoulos asked her if she had seen § 87(2)(b) and showed her a copy of the warrant. PO Ceccarelli denied that § 87(2)(b) requested to see the warrant after Sgt. Stefopoulos had shown it initially. When § 87(2)(b) stated that she had not seen § 87(2)(b) Sgt. Stefopoulos asked § 87(2)(b) if the officers could come inside the apartment and check, to which § 87(2)(b) replied, "Sure." § 87(2)(b) then moved her body away from the door and allowed the officers to enter the apartment (Board Review 3 and 4).

PO Cuadros did not hear the conversation between the officers and § 87(2)(b) nor did he hear the conversation with § 87(2)(b) and he did not hear or see how the officers gained entry into the apartment. PO Cuadros did not hear § 87(2)(b) ask to see a copy of the warrant any time while she was in police custody (Board Review 5 and 6).

The bench warrant for § 87(2)(b) was issued on March 23, 2017. § 87(2)(b) address was listed on the warrant as 269 Segune Avenue, in Staten Island (Board Review 14).

A bench warrant should be executed in the same manner as a warrant of arrest. New York State Criminal Procedure Law, Section 530.70 (Board Review 22). Similar to an arrest warrant, a bench warrant permits entry into what the police reasonably believe to be the suspect's residence provided that at the time of the entry the police reasonably believe that the suspect is present. People v. Smith, 806 N.Y.S. 2d 447, 2005 (Board Review 20) For officers to possess a reasonable belief that a subject's address listed on the arrest or bench warrant is valid, the warrant must have been issued no more than six and one-half months prior to when it is executed. People v. Cabral, 560 N.Y.S.2d 71, 1990 (Board Review 21).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation D- Abuse of Authority – Police Officer Gabriel Cuadros searched

§ 87(2)(b) **in Staten Island.**

Allegation E- Abuse of Authority – Sergeant Nikolaos Stefopoulos searched § 87(2)(b)
purse.

In is undisputed that while inside § 87(2)(b) apartment the officers found marijuana and Suboxone in plain view. It is also undisputed that § 87(2)(b) was in possession of a Xanax for which she did not have a prescription.

§ 87(2)(b) stated that after the officers had entered her home, PO Cuadros stood in the kitchen, grabbed her mail that was on the counter and began to look at the addresses to verify whether § 87(2)(b) received mail there. After Sgt. Stefopoulos noticed the marijuana, he walked to § 87(2)(b) purse which was located on her dresser. Sgt. Stefopoulos then reached inside to obtain her identification, and while retrieving her identification, found the Xanax pill (Board Review 1).

PO Cuadros stated that following the entry, he remained at the doorway until § 87(2)(b) exited the apartment. PO Cuadros denied that he entered the kitchen where the mail was and denied seeing the dresser where the Suboxone was found. PO Cuadros denied seeing Sgt. Stefopoulos or any other officer search § 87(2)(b) purse, and he denied that he ever searched her mail (Board Review 5 and 6).

Sgt. Stefopoulos denied that he or any other officer searched § 87(2)(b) purse and stated that once the marijuana was found, he asked § 87(2)(b) to retrieve her identification. While Sgt. Stefopoulos stood beside § 87(2)(b) he watched her reach inside her purse. In order to ensure she did not have a weapon, he looked at her purse while she retrieved her identification. Sgt. Stefopoulos denied that he touched or reached inside § 87(2)(b) purse. However, as she reached into her purse, Sgt. Stefopoulos saw § 87(2)(b) attempt to conceal the Xanax pill by removing it from her purse and dropping it on the floor. Sgt. Stefopoulos denied that an officer searched § 87(2)(b) mail and he did not recall any officer going into her kitchen (Board Review 7 and 8).

PO Ceccarelli stated that she stood by the kitchen while PO Cuadros stood by § 87(2)(b) front door. PO Ceccarelli and Sgt. Assante denied that PO Cuadros or another officer searched § 87(2)(b) mail. PO Ceccarelli and Sgt. Assante also denied that Sgt. Stefopoulos or another officer searched § 87(2)(b) purse. PO Ceccarelli recalled that as § 87(2)(b) retrieved her identification from her purse, a single Xanax pill fell to the floor (Board Review 3 and 4). Sgt. Assante recalled that a Xanax pill was found on the floor, but he did not recall how it came to be on the floor (Board Review 9 and 10).

§ 87(2)(g)

Squad: 07

Investigator: _____ Daniel Cooper _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date